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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,739	01/07/2005	Karl Schreijag	3081.81US01	9719
7590 08/09/2006			EXAMINER	
Douglas J Christensen Patterson Thuent Skaar & Christensen 4800 Ids Center 80 South Eighth Street Minneapolis, MN 55402			STIGELL, THEODORE J	
			ART UNIT	PAPER NUMBER
			3763	
DATE MAILED: 08/09/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/520,739

Applicant(s)

SCHREIJAG, KARL

Examiner

Theodore J. Stigell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/18/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings are objected to because reference number (10) in Figure 2 seems to reference the “toothed rack” which is element (11). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5-8 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitations "the front side", "the medicament", "the rear side", "the lower part", "the other end", "the bottom side", and "said extension". Claim 10 recites the limitation "the sliding device". There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Parisi (3,504,673).

In regards to claims 5-8, Parisi disclose a veterinary syringe comprising a base body (12) on the front side of which a syringe barrel (11) receiving the medicament is arranged while a guiding element for a plunger rod (21) that is guided therein so as to movable in a longitudinal direction is arranged on the rear side thereof, and one end of the plunger rod, to which a plunger (19) is attached, extends into the syringe barrel, the

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syringe further comprising a handle (P) for holding the syringe, an operating lever (T), one end of which is pivotably attached to the lower part of the handle while the other end thereof is guided within the bottom side of the guiding element and engages with a toothed rack (23) via a spring-biased catch (28), the toothed rack being disposed on the bottom side of the plunger rod, and a locking device (32) for the plunger rod which engages with the toothed rack is provided as a locking slider (46) disposed inside the guiding element so as to be movable in a vertical direction at the end thereof, is provided with an opening (50) through which the plunger rod is guided and extends into the toothed rack from below, locking said toothed rack so as to prevent it from withdrawing wherein the locking slider can be moved from the locked position into a released position for the toothed rack and can be maintained in said released position by an actuator (33), wherein the locking slider being extended so as to protrude out of the guiding element, a locking pin (31) provided on the lever, which is arranged parallel to the plunger rod, and by the locking pin extending into the bore, in the resting position of the operating lever, when the locking slider is pressed down through the guiding element all the way to the locking pin against the force of a spring (37), wherein the locking slider is made of resilient material, and wherein the locking slider has its upper end attached to a push-button (top of 46), which is supported in the guiding element and vertically movable against the pressure of a spring.

In regards to claims 9-14, Parisi discloses a veterinary syringe having a front side and a rear side, the syringe comprising a syringe barrel (11) at said front side for receiving the medicament, a plunger rod (21) movable in a longitudinal direction within

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the syringe barrel and out the rear side, a handle (P) for holding the syringe, an operating lever (T) positioned adjacent the handle and operable to move the plunger rod forward, a toothed rack (23) associated with the plunger rod and extending parallel therewith, a locking device (32) comprising a slider (46) movable in a direction transverse to the plunger and the toothed rack and releasably engageable with the toothed rack for restricting the movability of said toothed rack and plunger in the rearward direction, and a locking pin (31) in the operating lever for releasably securing the slider in a position disengaged with the toothed rack, wherein the locking slider of the locking device is disengaged with the toothed rack and operating lever is actuated, the sliding device then engages with the toothed rack, wherein the locking slider is made of resilient material, wherein the locking pin is maintained in the operating lever, and wherein the locking slider has its upper end attached to a push-button (46).

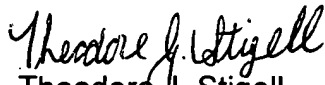
Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Brickson (3,517,668). Brickson discloses a veterinary syringe having a front side and a rear side, the syringe comprising a syringe barrel (11) at said front side for receiving a medicament, a plunger rod (18) movable in a longitudinal direction within the syringe barrel and out the rear side, a handle (10) for holding the syringe, an operating lever (25) positioned adjacent the handle and operable to move the plunger rod forward, a toothed rack (23) associated with the plunger rod and extending parallel therewith, a locking means (29, 33) for the plunger and toothed rack positioned at the rear side.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Stigell whose telephone number is 571-272-8759. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nicholas Lucchesi can be reached on 571-272-4977. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Theodore J. Stigell


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